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C O N F I D E N T I A L STATE 142615

E.O. 11652: GDS

TAGS: PFOR, SHUM, LT

SUBJECT:HUMAN RIGHTS: DRAFT LESOTHO ACTION PLAN

REF: STATE 139160

1. COUNTRY PLAN

A. CONDITION OF HUMAN RIGHTS IN LESOTHO

1. THE PEOPLE AND GOVERNMENT OF LESOTHO HAVE A BASIC AND TRADITIONAL RESPECT FOR HUMAN RIGHTS. HOWEVER, DURING PERIODS OF POLITICAL TURMOIL IN 1970 AND 1974, THERE WERE ISOLATED INCIDENTS OF CRUEL AND INHUMAN TREATMENT, INCLUDING TORTURE. DURING THESE PERIODS PERSONS(HOW MANY?) WERE SUBJECT TO ARBITRARY ARREST, BUT SOME (HOW MANY?) WERE LATER RELEASED. OF THOSE TRIED FOR TREASON
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AND SEDITION FOLLOWING THE 1974 COUP ATTEMPT, NONE WERE GIVEN DEATH SENTENCES. MOST OF THE GUILTY RECEIVED 3 TO 5 YEAR SENTENCES; SOME OF WHICH WERE REDUCED OR SET ASIDE BY THE APPEALS COURT. MOST INDEPENDENT OBSERVERS WOULD AGREE THAT TRIALS IN LESOTHO ARE CONDUCTED FAIRLY.

2. (A) CIVIL AND POLITICAL LIBERTIES IN LESOTHO HAVE

BEEN RESTRICTED BY THE GOVERNMENT, IN REACTION TO
ACTIVITIES OF OPPOSITION PARTIES WHICH THREATENED THE

GOVERNMENT'S EXISTENCE. LESOTHO ACHIEVED FULL
INDEPENDENCE FROM THE BRITISH IN 1966 AS A CONSTITUTIONAL
MONARCHY. THE CONSTITUTION PROVIDED FOR AN ELECTED
PARLIAMENT (WITH ELECTIONS TO BE HELD EVERY FIVE YEARS)
AND AN INDEPENDENT JUDICIARY. NO BILL OF RIGHTS WAS
INCLUDED. THE BASUTOLAND NATIONAL PARTY (BNP) WON THE
ELECTIONS IN 1966 AND HEADED THE GOVERNMENT. THE
OPPOSITION BASUTOLAND CONGRESS PARTY (BCP) HELD A
SUBSTANTIAL MINORITY POSITION IN PARLIAMENT. BITTER
POLITICAL CONTROVERSY BETWEEN THE BNP AND THE BCP PREVAILED
FROM THE START. IN 1970 PRIME MINISTER LEABUA JONATHON,
CHARGING WIDESPREAD ELECTION IRREGULARITIES, SUSPENDED
THE CONSTITUTION AND PARLIAMENT, NULLIFIED ELECTIONS,
DECLARED A STATE OF EMERGENCY, AND RULED BY DECREE
UNTIL APRIL 1973. AT THAT POINT AN APPOINTED INTERIM
NATIONAL ASSEMBLY WAS ESTABLISHED TO ACT AS THE LEGISLA-
TIVE BRANCH.

(B) LESOTHO IS FREE OF RACIAL DISCRIMINATION, RESTRIC-
TIONS ON MOVEMENT, RELIGION AND TO A CERTAIN DEGREE,
SPEECH (EXPLAIN). THE RADIO AND SOME PRINTED MEDIA ARE
GOVERNMENT CONTROLLED. HOWEVER, THERE ARE INDEPENDENT
SESOTHO LANGUAGE NEWSPAPERS WHICH ARE OCCASIONALLY
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CRITICAL OF GOVERNMENT POLICIES.

3. (A) LESOTHO IS LARGELY DEPENDENT ON FOREIGN ASSISTANCE
TO IMPROVE THE ECONOMIC WELFARE OF ITS PEOPLE. IT HAS
FOCUSED ITS NATIONAL DEVELOPMENT PLAN AND FOREIGN
ASSISTANCE ON AREAS SUCH AS AGRICULTURE, HEALTH AND
EDUCATION TO MEET THE NEEDS OF THE RURAL POOR.

(B) GOVERNMENT CORRUPTION IS NOT A PROBLEM IN LESOTHO.

4. THE GOVERNMENT OF LESOTHO DOES NOT TRY TO COVER UP
THE ISOLATED VIOLATIONS OF HUMAN RIGHTS THAT HAVE
OCCURED, BUT IS WILLING TO OPENLY DISCUSS PAST EXCESSES.
MOST GOVERNMENT OFFICIALS BELIEVE THAT THE HUMAN RIGHTS
VIOLATIONS WERE UNFORTUNATE, BUT NECESSARY TO MAINTAIN
LAW AND ORDER. GIVEN THE THREAT TO ITS POWER, THE
GOVERNMENT'S ACTIONS WERE NOT UNCOMMON FOR DEVELOPING
NATIONS. THOSE PERSONS CHARGED WITH CMIMES DURING THE
PERIODS OF POLITICAL TURMOIL WERE GIVEN FAIR TRIALS AND
RELATIVELY LIGHT SENTENCES.

5. THE GOVERNMENT HAS ALLOWED OUTSIDE INVESTIGATION OF

ALLEGED HUMAN RIGHTS VIOLATIONS. AN AMNESTY INTERNATIONAL REPRESENTATIVE ATTENDED THE TRIALS OF THE PERSONS CHARGED AS A RESULT OF THE JANUARY 1974 COUP ATTEMPT AND

PROVIDED RELIEF ASSISTANCE TO THE FAMILIES OF THE IMPRISONED. IT PROTESTED THE JANUARY 1976 RE-DETENTION OF THE FORMER BCP SECRETARY-GENERAL KOLISANG WHO HAD JUST BEEN RELEASED FROM 60 DAYS' IMPRISONMENT. HE WAS GIVEN A FINAL RELEASE SHORTLY THEREAFTER. FREEDOM HOUSE RATES LESOTHO AS "PARTLY FREE".

B. ANALYSIS AND RECOMMENDATIONS

1. A LEGITIMATE U.S. HUMAN RIGHTS OBJECTIVE IN LESOTHO OVER THE NEXT YEAR IS:
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(A) TO ENCOURAGE REPEAL OF THE INTERNAL SECURITY ACT OF 1974 WHICH PROVIDES FOR DETENTION WITHOUT CHARGE FOR UP TO 60 DAYS -- THIS IS IMPORTANT IN ORDER TO FURTHER POLITICAL RECONCILIATION IN LESOTHO, AND IS SUPPORTED BY SEVERAL GOVERNMENT OFFICIALS. AS A MAJOR AID DONOR, WE HAVE SOME LEVERAGE IF OUR APPROACH IS SUBTLE AND GLOBALLY CONSISTENT. LESOTHO IS SENSITIVE TO CHARGES OF HUMAN RIGHTS VIOLATIONS THAT COULD BE USED AGAINST IT BY SOUTH AFRICA. OTHER WESTERN NATIONS MAY BE TOO OCCUPIED WITH OTHER COUNTRIES IN SOUTHERN AFRICA TO SUPPORT A DEMARCH TO THE GOVERNMENT OF LESOTHO ON HUMAN RIGHTS. OUR BEST APPROACH MAY BE TO HAVE OUR AMBASSADOR PROVIDE GOVERNMENT OFFICIALS WITH COPIES OF OUR SPEECHES AND STATEMENTS ON OUR GLOBAL COMMITMENT TO HUMAN RIGHTS. THIS WILL BE REINFORCED BY A CONSISTENT EFFORT ON OUR PART TO PROMOTE MAJORITY RULE IN SOUTH AFRICA.

2. FOREIGN MINISTER MOLAPO EXPRESSED HIS GOVERNMENT'S OFFICIAL ANGER AT OUR HUMAN RIGHTS REPORT ON LESOTHO. HE SAID IT WAS NOT THE U.S. ROLE TO BE THE ARBITER OF THE WORLD'S CONSCIENCE, AND THAT HE DID NOT WELCOME OUR REVIEW OF HUMAN RIGHTS IN LESOTHO. ON REFLECTION, OTHER LESOTHAN OFFICIALS HAVE INDICATED AN UNDERSTANDING FOR OUR CONCERN ABOUT HUMAN RIGHTS ON A GLOBAL BASIS, AND AN APPRECIATION OF HOW OUR CONCERN COULD HELP IMPROVE THE STATE OF HUMAN RIGHTS IN LESOTHO. WE BELIEVE LESOTHAN POLITICAL OPPOSITION LEADERS, AND CHURCH AND CIVIC GROUPS WOULD FAVOR AN INCREASED RESPECT FOR HUMAN RIGHTS IN LESOTHO.

3. IF OUR ACTIONS TO ENCOURAGE A GREATER RESPECT FOR
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HUMAN RIGHTS IN LESOTHO IS CONSISTENT WITH THOSE WE TAKE IN OTHER COUNTRIES, WE MAY EXPECT A FAVORABLE REACTION ON THE PART OF THE GOVERNMENT. IF LESOTHO FEELS THAT IT IS BEING SINGLED OUT FOR CRITICISM OUR APPROACHES COULD BE COUNTER-PRODUCTIVE.

4. AN EXPRESSION OF CONCERN FOR HUMAN RIGHTS IN LESOTHO THROUGH QUIET DIPLOMACY COULD COMPLIMENT OUR ECONOMIC ASSISTANCE PROGRAMS IN THE COUNTRY. WE HAVE FEW INTERESTS IN LESOTHO THAT COULD BE HARMED BY A DIPLOMATIC APPROACH. WE CAN EXPECT LESOTHO TO SUPPORT OUR EFFORTS TO PROMOTE HUMAN RIGHTS IN SOUTHERN AFRICA THROUGH OUR SUPPORT FOR MAJORITY RULE. LESOTHO WILL PROBABLY SUPPORT EFFORTS IN THE UN AND OAU THAT PROMOTE HUMAN RIGHTS.

5. DEPARTMENT WOULD APPRECIATE EMBASSY COMMENTS ON ABOVE DRAFT ACTION PLAN BY JUNE 28. PLEASE SLUG REPLY FOR AF DISTRIBUTION ONLY. VANCE

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